

REMARKS

Claims 1-4 and 6-14 are pending in the application. Claims 1-4 and 6-14 stand rejected.

Applicant requests reconsideration for at least the following reasons:

Claims 1-4, 6, 8-11 and 13-14 stand rejected under 35 U.S.C. 103(a) as unpatentable under over Eden et al (US 6,611,537) in view of Astle et al (US 6,396,816)(hereinafter Astle).

Applicant's claim 1, for example includes: an allocation unit for allocating respective bandwidth to each of a plurality of logical channels used to transmit picture data according to a number of picture data to be transmitted, wherein said allocation unit allocates a first bandwidth to each of the logical channels when a total bandwidth allocated to the logical channels does not exceed a predetermined threshold bandwidth, and when a total bandwidth allocated to the logical channels exceeds the threshold bandwidth said allocation unit allocates the first bandwidth to each of a part of the logical channels and a second bandwidth, which is smaller than the first bandwidth, to each of another part of the logical channels.

In the Office Action it is argued that Astle shows the allocating bandwidth according to a number of picture data by describing the determining and amount of bandwidth required for a certain video quality and transmitting and allocation requests requesting the amount of bandwidth.

In the Office Action, applicant's "wherein" clause is being compared to Astle Column 6, Line 66-Column 7, Line 26 and Column 9, Lines 24-41.

However it is respectfully submitted that Astle is different from applicant's claimed invention. In particular Column 7 of Astle describes a different allocation of bandwidth in contrast to applicant's claimed allocation in the wherein clause.

In Astle it is described that when a requested level of bandwidth cannot be met, a remaining bandwidth is allocated based on priority. Namely, in an order of audio, control data and video.

However, within each type of service, the reference describes that the bandwidth is divided evenly among the terminals outputting the allocation requests.

This is described in Column 7, Line 1-26 of Astle. Therefore, applicant claims allocating the first and second bandwidth within the distribution of video, whereas the reference describes within the service class of distributing video, the allocation requests are equal when the overall requested bandwidth cannot be met.

Therefore according to applicant's claimed invention, when the total requested bandwidth does not exceed a threshold value, identical bandwidth is allocated to each channel.

In contrast according to Astle, requested bandwidth is allocated to a corresponding channel as it has been requested for.

According applicant's claimed invention, when the total requested bandwidth exceeds the threshold, a predetermined bandwidth is allocated to each of some channels and narrower bandwidth is allocated to each of remaining channels.

In contrast according to Astle, identical bandwidth is evenly allocated to each terminal that has issued requests for bandwidth.

Applicant's claimed invention includes advantages such as, when the number of associated channels is small, identical bandwidth is allocated to each channel. Therefore, it is possible to derive the total bandwidth and determine whether it exceeds the threshold only by counting the number of associated channels.

If the total bandwidth is determined to exceed the threshold by counting the number of associated channels, some of these channels are allocated with narrower bandwidth (the second bandwidth). In this case, the number of channels to which the first bandwidth is allocated and the number of channels to which the second bandwidth is allocated are respectively calculated based on the number of the associated channels. Consequently, the control of the system of the present claimed invention provides advantages over the Astle system.

Independent claims 1, 9-11 include at least similar distinguishing features as discussed above. Each of these claims are allowable since the combination of references fail to teach each claimed features. The dependent claims 1-4, 6, 8 and 13-14 each include at least the above features and additional distinguishing features and are likewise allowable.

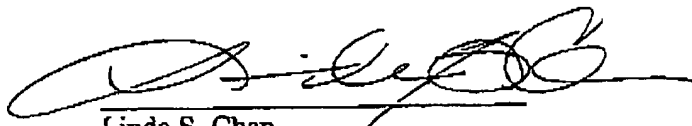
Under 35 U.S.C. 103(a), Claim 7 is rejected as in Claim 1 and further in view of Natarajan and Claim 12 is rejected as in Claim 11 and further in view of Champlin et al.

Claims 7 and 12 include at least the distinguishing features as discussed above with regard to claims 1 and 11 and additional distinguishing features and are likewise allowable.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, should the Examiner consider this application not to be in condition for allowance, the Examiner is invited to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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